

To the Commissioners:

This note will summarize the position of Barnstable Broadcasting, Inc. regarding proposed changes to the rules governing definition of radio markets. Barnstable Broadcasting is a family-owned licensee of radio stations in mid-sized markets.

We wish to voice our strong opposition to any change to the definition of radio markets which would take any approach but contour-based methodology. In particular, we are opposed to the proposed "BIA-Arbitron" Market redefinition we have recently seen circulated. We believe that this proposal in particular and any non-contour-based redefinition more generally produce a faulty methodology for the entire industry.

The following summarizes Barnstable Broadcasting's views of the matter of radio market definition:

Contours are Market Reality: Some form of contour determination is the only way to determine markets since markets are determined by listeners, and listeners (a) can only hear what they can hear; and (b) can often hear a signal that is from a contiguous market not counted as "in-market" by BIA or Arbitron. Geography does determine difference even within Arbitron markets, and often the influence of geography is intensified by differences in licensed power levels. A Class A radio station in a large market necessarily serves a different "market" than a Class C in the same market.

BIA and Arbitron are Unreliable Determinants: Arbitron in particular has constructed markets not according to a consistent internal logic, but due to an odd hodge-podge of historical determinants, and very rarely are the results consistent from market to market. Neither one or another alone or the the combination of the two produces a market measurement methodology that appropriately and fairly reflects the unique variations among markets.

Additionally, it seems ill-advised for the government would establish market determinations based on the changing practices of two privately-owned, for-profit corporations whose fortunes can change, who can decide to get out of their current businesses, and who are motivated by a variety of factors oftentimes having nothing to do with the reality of radio listening markets.

We Support the Contour-Based Definition Using the 92 km Exclusion Rule: As this proposal has been explained to us by our FCC counsel (Wiley, Rein, and Fielding), it seems to make good sense. It eliminates the sometimes troubling variations created within a market by use in the "numerator" of stations with very large AM signals, but it sticks to a real-world, contour-based determination of radio markets, which we believe is the only honest way to identify markets. This methodology is also going to be consistent over time since it is based on FCC License authorizations and the limitations of RF physics.

We Support Grandfathering Current Ownership and Operating

Structures: We believe current station groupings should be grandfathered and that sales of these clusters should get permanent grandfathering status. Anything less than this would constitute a taking of economic value by the Commission.

More specifically, we believe any existing combination--including LMAs with unexercised options--that conform to the current rules but may not conform to future rules ought to be grandfathered. LMAs is that are currently attributable interests for all ownership tests; in fairness grandfathering ought not to distinguish between actual ownership and prospective (LMA) ownership.

We would be happy to discuss this further with the FCC Commissioners or the FCC staff.

Very truly yours,

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